S.B. CIVIL WRIT PETITION NO.2310/2005
Mani Kalla Minor
Vs.
District Consumer Forum, Jodhpur & Ors.

Date : 20.4.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Rakesh Kalla, for the petitioner.

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Heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that the non-petitioner submitted reply to the complaint before the District Consumer Forum after delay of 125 days and in view of the judgment of Hon'ble Supreme Court delivered in the case of Dr. J.J. Merchant and Ors. vs. Shrinath Chaturvedi reported in 2002(8) SRJ 182, the Consumer Forum had no jurisdiction to extend the period for filing the reply beyond the period of 45 days or at the most beyond 90 days.

I have considered the submissions of learned counsel for the petitioner and perused the judgment of Hon'ble Supreme Court in J.J. Merchant's case (supra).

Learned counsel for the petitioner submits that the case before the Consumer Forum is fixed for arguments tomorrow. In view of the this, in case, any interim order for staying the further proceedings is granted, it will delay the final disposal of the petitioner's own case on merits and the petitioner has a right to file appeal against the final order, if passed against the petitioner and therein he can take objection against the order of

District Consumer Forum dated 5.4.2005, therefore, it will not be expedient in the interest of justice to entertain the writ petition at this stage.

In view of the above, this writ petition is dismissed. However, the petitioner is granted liberty to challenge the impugned order in appeal in case any occasion arises for the petitioner to do so.

(PRAKASH TATIA), J.

S.Phophaliya